IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

Bail Appl..No. 1290 of 2007()

CR.NO.219/06 OF CHENGANNUR EXCISE RANGE

PETITIONER/ACCUSED:

BABYKUTTY, AGED 43 YEARS,
W/O.JOSE, THATHUKATTIL HOUSE,
KOLEDETHUSSERY MURI, THIRUVANVANDOOR VILLAGE,
CHENGANNUR TALUK.

BY ADV. SRI.K.JAYARAJ

RESPONDENT/COMPLAINANT:

KERALA STATE REPRESENTED BY
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
CHENGANNUR, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1290 OF 2007 A

Dated this the 5th day of March, 2007

O R D E R

Petitioner, a lady, who is the accused in C.R.No.219/06 of Chengannur Excise Range for an offence punishable under Section 8(2) of the Abkari Act for allegedly having been found in possession of 1 litre of illicit arrack on 24.11.06, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the concerned Magistrate and files an application for regular bail, within a period of two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, bearing in mind the proviso to Section 437(1) and also the decision of this court reported in ***Sukumari Vs. State of Kerala*** [2001 (1) KLT 22].

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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